

1 AN ACT concerning schools.

2 Be it enacted by the People of the State of Illinois,  
3 represented in the General Assembly:

4 Section 5. The School Code is amended by changing  
5 Section 5-1 as follows:

6 (105 ILCS 5/5-1) (from Ch. 122, par. 5-1)

7 Sec. 5-1. County school units.

8 (a) The territory in each county, exclusive of any  
9 school district governed by any special act which requires  
10 the district to appoint its own school treasurer, shall  
11 constitute a county school unit. County school units of less  
12 than 2,000,000 inhabitants shall be known as Class I county  
13 school units and the office of township trustees, where  
14 existing on July 1, 1962, in such units shall be abolished on  
15 that date and all books and records of such former township  
16 trustees shall be forthwith thereafter transferred to the  
17 county board of school trustees. County school units of  
18 2,000,000 or more inhabitants shall be known as Class II  
19 county school units and shall retain the office of township  
20 trustees unless otherwise provided in subsection (b) or (c).

21 (b) Notwithstanding subsections (a) and (c), the school  
22 board of any elementary school district having a fall, 1989  
23 aggregate enrollment of at least 2,500 but less than 6,500  
24 pupils and having boundaries that are coterminous with the  
25 boundaries of a high school district, and the school board of  
26 any high school district having a fall, 1989 aggregate  
27 enrollment of at least 2,500 but less than 6,500 pupils and  
28 having boundaries that are coterminous with the boundaries of  
29 an elementary school district, may, whenever the territory of  
30 such school district forms a part of a Class II county school  
31 unit, by proper resolution withdraw such school district from

1 the jurisdiction and authority of the trustees of schools of  
2 the township in which such school district is located and  
3 from the jurisdiction and authority of the township treasurer  
4 in such Class II county school unit; provided that the school  
5 board of any such school district shall, upon the adoption  
6 and passage of such resolution, thereupon elect or appoint  
7 its own school treasurer as provided in Section 8-1. Upon  
8 the adoption and passage of such resolution and the election  
9 or appointment by the school board of its own school  
10 treasurer: (1) the trustees of schools in such township shall  
11 no longer have or exercise any powers and duties with respect  
12 to the school district governed by such school board or with  
13 respect to the school business, operations or assets of such  
14 school district; and (2) all books and records of the  
15 township trustees relating to the school business and affairs  
16 of such school district shall be transferred and delivered to  
17 the school board of such school district. Upon the effective  
18 date of this amendatory Act of 1993, the legal title to, and  
19 all right, title and interest formerly held by the township  
20 trustees in any school buildings and school sites used and  
21 occupied by the school board of such school district for  
22 school purposes, that legal title, right, title and interest  
23 thereafter having been transferred to and vested in the  
24 regional board of school trustees under P.A. 87-473 until the  
25 abolition of that regional board of school trustees by P.A.  
26 87-969, shall be deemed transferred by operation of law to  
27 and shall vest in the school board of that school district.

28 (c) Notwithstanding the provisions of subsection (a),  
29 the offices of township treasurer and trustee of schools of  
30 any township located in a Class II county school unit shall  
31 be abolished as provided in this subsection if all of the  
32 following conditions are met:

33 (1) During the same 30 day period, each school  
34 board of each elementary and unit school district that is

1 subject to the jurisdiction and authority of the township  
2 treasurer and trustees of schools of the township in  
3 which those offices are sought to be abolished gives  
4 written notice by certified mail, return receipt  
5 requested to the township treasurer and trustees of  
6 schools of that township of the date of a meeting of the  
7 school board, to be held not more than 90 nor less than  
8 60 days after the date when the notice is given, at which  
9 meeting the school board is to consider and vote upon the  
10 question of whether there shall be submitted to the  
11 electors of the school district a proposition to abolish  
12 the offices of township treasurer and trustee of schools  
13 of that township. None of the notices given under this  
14 paragraph to the township treasurer and trustees of  
15 schools of a township shall be deemed sufficient or in  
16 compliance with the requirements of this paragraph unless  
17 all of those notices are given within the same 30 day  
18 period.

19 (2) Each school board of each elementary and unit  
20 school district that is subject to the jurisdiction and  
21 authority of the township treasurer and trustees of  
22 schools of the township in which those offices are sought  
23 to be abolished, by the affirmative vote of at least 5  
24 members of the school board at a school board meeting of  
25 which notice is given as required by paragraph (1) of  
26 this subsection, adopts a resolution requiring the  
27 secretary of the school board to certify to the proper  
28 election authorities for submission to the electors of  
29 the school district at the next consolidated nonpartisan  
30 election in accordance with the general election law a  
31 proposition to abolish the offices of township treasurer  
32 and trustee of schools of that township. None of the  
33 resolutions adopted under this paragraph by any  
34 elementary or unit school districts that are subject to

1 the jurisdiction and authority of the township treasurer  
 2 and trustees of schools of the township in which those  
 3 offices are sought to be abolished shall be deemed in  
 4 compliance with the requirements of this paragraph or  
 5 sufficient to authorize submission of the proposition to  
 6 abolish those offices to a referendum of the electors in  
 7 any such school district unless all of the school boards  
 8 of all of the elementary and unit school districts that  
 9 are subject to the jurisdiction and authority of the  
 10 township treasurer and trustees of schools of that  
 11 township adopt such a resolution in accordance with the  
 12 provisions of this paragraph.

13 (3) The school boards of all of the elementary and  
 14 unit school districts that are subject to the  
 15 jurisdiction and authority of the township treasurer and  
 16 trustees of schools of the township in which those  
 17 offices are sought to be abolished submit a proposition  
 18 to abolish the offices of township treasurer and trustee  
 19 of schools of that township to the electors of their  
 20 respective school districts at the same consolidated  
 21 ~~nonpartisan~~ election in accordance with the general  
 22 election law, the ballot in each such district to be in  
 23 substantially the following form:

24 OFFICIAL BALLOT

25	Shall the offices of township	
26	treasurer and	YES
27	trustee of	-----
28	schools of Township .....	NO
29	Range ..... be abolished?	

30 (4) At the consolidated ~~nonpartisan~~ election at  
 31 which the proposition to abolish the offices of township  
 32 treasurer and trustee of schools of a township is  
 33 submitted to the electors of each elementary and unit  
 34 school district that is subject to the jurisdiction and

1 authority of the township treasurer and trustee of  
2 schools of that township, a majority of the electors  
3 voting on the proposition in each such elementary and  
4 unit school district votes in favor of the proposition as  
5 submitted to them.

6 If in each elementary and unit school district that is  
7 subject to the jurisdiction and authority of the township  
8 treasurer and trustees of schools of the township in which  
9 those offices are sought to be abolished a majority of the  
10 electors in each such district voting at the consolidated  
11 ~~nonpartisan~~ election on the proposition to abolish the  
12 offices of township treasurer and trustee of schools of that  
13 township votes in favor of the proposition as submitted to  
14 them, the proposition shall be deemed to have passed; but if  
15 in any such elementary or unit school district a majority of  
16 the electors voting on that proposition in that district  
17 fails to vote in favor of the proposition as submitted to  
18 them, then notwithstanding the vote of the electors in any  
19 other such elementary or unit school district on that  
20 proposition the proposition shall not be deemed to have  
21 passed in any of those elementary or unit school districts,  
22 and the offices of township treasurer and trustee of schools  
23 of the township in which those offices were sought to be  
24 abolished shall not be abolished, unless in each of those  
25 elementary and unit school districts remaining subject to the  
26 jurisdiction and authority of the township treasurer and  
27 trustees of schools of that township proceedings are again  
28 initiated to abolish those offices and all of the proceedings  
29 and conditions prescribed in paragraphs (1) through (4) of  
30 this subsection are repeated and met in each of those  
31 elementary and unit school districts.

32 Notwithstanding the foregoing provisions of this Section  
33 or any other provision of the School Code, the offices of  
34 township treasurer and trustee of schools of a township that

1 has a population of less than 200,000 and that contains a  
2 unit school district and is located in a Class II county  
3 school unit shall also be abolished as provided in this  
4 subsection if all of the conditions set forth in paragraphs  
5 (1), (2), and (3) of this subsection are met and if the  
6 following additional condition is met:

7           The electors in all of the school districts subject  
8 to the jurisdiction and authority of the township  
9 treasurer and trustees of schools of the township in  
10 which those offices are sought to be abolished shall vote  
11 at the consolidated nonpartisan election on the  
12 proposition to abolish the offices of township treasurer  
13 and trustee of schools of that township. If a majority  
14 of the electors in all of the school districts combined  
15 voting on the proposition vote in favor of the  
16 proposition, then the proposition shall be deemed to have  
17 passed; but if a majority of the electors voting on the  
18 proposition in all of the school district fails to vote  
19 in favor of the proposition as submitted to them, then  
20 the proposition shall not be deemed to have passed and  
21 the offices of township treasurer and trustee of schools  
22 of the township in which those offices were sought to be  
23 abolished shall not be abolished, unless and until the  
24 proceedings detailed in paragraphs (1) through (3) of  
25 this subsection and the conditions set forth in this  
26 paragraph are met.

27           If the proposition to abolish the offices of township  
28 treasurer and trustee of schools of a township is deemed to  
29 have passed at the consolidated nonpartisan election as  
30 provided in this subsection, those offices shall be deemed  
31 abolished by operation of law effective on July 1 following  
32 the election ~~of the calendar year immediately following the~~  
33 ~~calendar year in which that nonpartisan election is held.~~ On  
34 July 1 of the calendar year in which the offices of township

1 treasurer and trustee of schools of a township are deemed  
2 abolished by operation of law, the school board of each  
3 elementary and unit school district and the school board of  
4 each high school district that is subject to the jurisdiction  
5 and authority of the township treasurer and trustees of  
6 schools of that township at the time those offices are  
7 abolished: (i) shall appoint its own school treasurer as  
8 provided in Section 8-1; and (ii) unless the term of the  
9 contract of a township treasurer expires on the date that the  
10 office of township treasurer is abolished, shall pay to the  
11 former township treasurer its proportionate share of any  
12 aggregate compensation that, were the office of township  
13 treasurer not abolished on July 1 of that calendar year,  
14 would have been payable to the former township treasurer  
15 after that date over the remainder of the term of the  
16 contract of the former township treasurer that began prior to  
17 but ends after that date. In addition, on July 1 of the  
18 calendar year in which the offices of township treasurer and  
19 trustee of schools of a township are deemed abolished as  
20 provided in this subsection, the school board of each  
21 elementary school, high school and unit school district that  
22 until that date is subject to the jurisdiction and authority  
23 of the township treasurer and trustees of schools of that  
24 township shall be deemed by operation of law to have agreed  
25 and assumed to pay and, when determined, shall pay to the  
26 Illinois Municipal Retirement Fund a proportionate share of  
27 the unfunded liability existing in that Fund on July 1 of  
28 that calendar year for all annuities or other benefits then  
29 or thereafter to become payable from that Fund with respect  
30 to all periods of service performed prior to that date as a  
31 participating employee in that Fund by persons serving during  
32 those periods of service as a trustee of schools, township  
33 treasurer or regular employee in the office of the township  
34 treasurer of that township. That unfunded liability shall be

1 actuarially determined by the board of trustees of the  
2 Illinois Municipal Retirement Fund, and the board of trustees  
3 shall thereupon notify each school board required to pay a  
4 proportionate share of that unfunded liability of the  
5 aggregate amount of the unfunded liability so determined. The  
6 amount so paid to the Illinois Municipal Retirement Fund by  
7 each of those school districts shall be credited to the  
8 account of the township in that Fund. For each elementary  
9 school, high school and unit school district under the  
10 jurisdiction and authority of a township treasurer and  
11 trustees of schools of a township in which those offices are  
12 abolished as provided in this subsection, each such  
13 district's proportionate share of the aggregate compensation  
14 payable to the former township treasurer as provided in this  
15 paragraph and each such district's proportionate share of the  
16 aggregate amount of the unfunded liability payable to the  
17 Illinois Municipal Retirement Fund as provided in this  
18 paragraph shall be computed in accordance with the ratio that  
19 the number of pupils in average daily attendance in each such  
20 district as reported in schedules prepared under Section  
21 24-19 for the school year last ending prior to the date on  
22 which the offices of township treasurer and trustee of  
23 schools of that township are abolished bears to the aggregate  
24 number of pupils in average daily attendance in all of those  
25 districts as so reported for that school year.

26 Upon abolition of the offices of township treasurer and  
27 trustee of schools of a township as provided in this  
28 subsection: (i) the regional board of school trustees, in its  
29 corporate capacity, shall be deemed the successor in interest  
30 to the former trustees of schools of that township with  
31 respect to the common school lands and township loanable  
32 funds of the township; (ii) all right, title and interest  
33 existing or vested in the former trustees of schools of that  
34 township in the common school lands and township loanable

1 funds of the township, and all records, moneys, securities  
2 and other assets, rights of property and causes of action  
3 pertaining to or constituting a part of those common school  
4 lands or township loanable funds, shall be transferred to and  
5 deemed vested by operation of law in the regional board of  
6 school trustees, which shall hold legal title to, manage and  
7 operate all common school lands and township loanable funds  
8 of the township, receive the rents, issues and profits  
9 therefrom, and have and exercise with respect thereto the  
10 same powers and duties as are provided by this Code to be  
11 exercised by regional boards of school trustees when acting  
12 as township land commissioners in counties having at least  
13 220,000 but fewer than 2,000,000 inhabitants; (iii) the  
14 regional board of school trustees shall select to serve as  
15 its treasurer with respect to the common school lands and  
16 township loanable funds of the township a person from time to  
17 time also serving as the appointed school treasurer of any  
18 school district that was subject to the jurisdiction and  
19 authority of the township treasurer and trustees of schools  
20 of that township at the time those offices were abolished,  
21 and the person selected to also serve as treasurer of the  
22 regional board of school trustees shall have his compensation  
23 for services in that capacity fixed by the regional board of  
24 school trustees, to be paid from the township loanable funds,  
25 and shall make to the regional board of school trustees the  
26 reports required to be made by treasurers of township land  
27 commissioners, give bond as required by treasurers of  
28 township land commissioners, and perform the duties and  
29 exercise the powers of treasurers of township land  
30 commissioners; (iv) the regional board of school trustees  
31 shall designate in the manner provided by Section 8-7,  
32 insofar as applicable, a depository for its treasurer, and  
33 the proceeds of all rents, issues and profits from the common  
34 school lands and township loanable funds of that township

1 shall be deposited and held in the account maintained for  
2 those purposes with that depositary and shall be expended and  
3 distributed therefrom as provided in Section 15-24 and other  
4 applicable provisions of this Code; and (v) whenever there is  
5 vested in the trustees of schools of a township at the time  
6 that office is abolished under this subsection the legal  
7 title to any school buildings or school sites used or  
8 occupied for school purposes by any elementary school, high  
9 school or unit school district subject to the jurisdiction  
10 and authority of those trustees of school at the time that  
11 office is abolished, the legal title to those school  
12 buildings and school sites shall be deemed transferred by  
13 operation of law to and invested in the school board of that  
14 school district, in its corporate capacity Section 7-28, the  
15 same to be held, sold, exchanged leased or otherwise  
16 transferred in accordance with applicable provisions of this  
17 Code.

18 Notwithstanding Section 2-3.25g of this Code, a waiver of  
19 a mandate established under this Section may not be  
20 requested.

21 (Source: P.A. 91-269, eff. 7-23-99.)

22 Section 99. Effective date. This Act takes effect upon  
23 becoming law.